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outside while the son bought a case of beer, not as a beverage but as evidence of selling to minors. It appeared that the father had received money to use in their occupation of detectives for the Anti-Saloon League, and turned over part of it to his son; that the father accounted for the beer bought of Feldman in his report of expenses, and, with his son, agreed that the son was to be pushed to the front to get Feldman to violate the law. The St. Louis Court of Appeals in *State v. Feldman*, 129 Southwestern Reporter, 998, holds that, under the facts, the beer was sold to the father and not to the son, and that the statute was not intended to create an offense where, as in this case, accused was induced and urged into the commission of a crime not otherwise intended by him.

House Mover Liable Irrespective of Negligence.—Where a house mover drives a stake into the ground, whereby telephone wires in a conduit are damaged, such act is an unlawful trespass for which the mover is liable, irrespective of negligence, according to the case of *Frontier Telephone Co. v. Hepp*, 121 New York Supplement, 460. It appeared that defendant house mover was ignorant that any conduits had been laid in the street, and the plaintiff telephone company knew defendant was moving the house along the street, but did not notify him of the location of its conduits. The Supreme Court holds that it was the duty of defendant to fully inform himself as to what lay below the street surface, and that if he failed to do so he drove his stake at his peril.

Alien Violator of the Law Admitted to Citizenship.—In the good old town of Milwaukee, where 2,000 saloons thrive, Albert Peter Hopp, a saloon keeper and applicant for citizenship, keeps his saloon open in violation of the state Sunday closing act. For more than 40 years the act has been on the statute books, but during all of that time the saloons have been kept open on the Sabbath Day without concealment or disguise. Public sentiment in Milwaukee favors this. The question in *Re Hopp*, 179 Federal Reporter, 561, is whether, under these circumstances, Hopp has behaved himself as a man of good moral character, essential under the naturalization act. Judge Quarles, of the United States District Court, holds that Hopp should not be denied citizenship because he has fallen in with the general public sentiment of the community in which he lives; it not being a fair construction of the naturalization act to require him to rise above his environment, and show by his behavior that his moral character was above the level of the average citizen.

Author Entitled to Agreed Price.—Clemens, an author, called at the office of the defendant, publisher of the *World*, to sell one of his

stories relating to a mysterious murder. After some parleying the defendant agreed to take the story and pay \$200 therefor, provided it was reduced in length. When reduced defendant refused to publish it under Clemens' name, and Clemens refused to consent to its publication except under his name. Thereupon defendant withheld payment. The Supreme Court, Appellate Term, in *Clemens v. Press Pub. Co.*, 122 New York Supplement, 206, holds that in view of the fact that there was a sale and delivery of the story under which title vested in defendant, Clemens could neither compel nor prevent the publication of the story, and that nothing remained to be done but for defendant to pay the agreed purchase price.

Naturalization.—The case of *United States v. Cohen*, 179 Federal Reporter, 834, presents a new question of naturalization. The appellee was a woman 60 years of age, born in Germany, and a resident of New York since 1869. She filed her declaration of intention in 1907, and her petition for naturalization in 1909. In 1870 she married an alien of Russia, whom she has lived with ever since. The question, then, is whether the alien wife of an alien man, both having resided here for over 30 years, can become a citizen. The court said that the wife must take her husband's citizenship, and that one could not be a citizen and the other an alien. Even if she had been an American woman, she would immediately have become a Russian citizen upon her marriage. The certificate of naturalization was canceled.

X-Ray Machine—Evidence.—An entirely new use has been found for the X-ray machine, and a new mode of acquiring evidence, in *Browder v. Commonwealth*, 123 Southwestern Reporter, 328. A negro was on trial for shooting and killing a white man. He did not deny the shooting, but claimed he shot in self-defense. The deceased after the shooting had a pistol. Defendant claimed that he had been shot in the breast by deceased, which was the beginning of the difficulty. It would necessarily follow that if defendant was shot, and if he could affirmatively prove it, then a case of self-defense would be clearly established. Accused moved for a continuance in order that he might be examined with the X-ray by a physician to show that he was shot in the breast and that the bullet had lodged in his back. The court on appeal held that defendant on return of the case might be taken from jail to an X-ray machine and examined; for this fact, if proved, would strengthen his testimony as to what occurred at the time of the homicide.

Butcher May Serve on the Grand Jury.—Is a butcher disqualified from serving on the grand jury merely because of his occupation? Appellant in the case of *Mason v. State*, 53 Southern Reporter, 153, contended that the constant taking of life—the shedding of the blood